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the provisional agenda*
HUMAN RIGHTS QUESTIONS: HUMAN
RIGHTS SITUATIONS AND REPORTS
OF SPECIAL RAPPORTEURS AND
REPRESENTATIVES
THE SITUATION IN BOSNIA AND
HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 4 August 1995 from t' ermanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a declaration dated 3 August 1995 adopted at the Conference for Human Rights and Humanitarian Issues in Bosnia and Herzegovina held in Istanbul, Turkey, on 2 August 1995.

I would be grateful if you could have the present letter and its annex circulated as a document of the General Assembly, under items 114 (c) and 28 of the provisional agenda, and of the Security Council.

(Signed) İnal BATU
Permanent Representative

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Annex

Istanbul declaration for human rights and humanitarian issues in Bosnia and Herzegovina, issued on 3 August 1995

1. A conference was held in Istanbul on 2 August 1995 hosted by the Turkish Ministry of State for Human Rights, with the participation of representatives from Belgium, Bosnia and Herzegovina, Croatia, Denmark, France, Germany, Italy, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the European Union and, as observers, the Russian Federation and the Office of the United Nations High Commissioner for Refugees, to review the ongoing human tragedy in Bosnia and Herzegovina and to find ways and means to provide and deliver assistance and to redress the situation in this war-torn country.

2. During the Conference, deep concern was voiced over the recent brutal attacks carried out by Bosnian Serbs against United Nations-declared safe areas, special emphasis being given to the massacre of civilians and the continued policy of ethnic cleansing and atrocities committed against the civilian population.

3. An urgent appeal was made to the international community to take the necessary measures in order to ensure the timely delivery of humanitarian aid to the needy and to keep all access routes open. To this end, special emphasis was placed on the need for the United Nations Protection Force (UNPROFOR) to ensure unimpeded delivery of humanitarian aid.

4. The participants agreed upon the necessity to initiate projects for the reconstruction and rehabilitation of Bosnia. They urged the international community to be forthcoming and generous with their assistance.

5. During the Conference, serious concern was expressed for the violations of humanitarian law and human rights in Bosnia and Herzegovina. A call was made to all countries to contribute more rapidly and effectively to the work of the International Tribunal for the former Yugoslavia, established for the purpose of bringing to justice those who have committed war crimes, crimes against humanity and acts of genocide.

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ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE IN THE REGION OF THE MIDDLE EAST

Report of the Secretary-General

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I. INTRODUCTION

1. In paragraph 10 of its resolution 49/71 of 15 December 1994, the General Assembly requested the Secretary-General to continue to pursue consultation with the States of the region and other concerned States, in accordance with paragraph 7 of resolution 46/30 of 6 December 1991 and taking into account the evolving situation in the region, and to seek from those States their views on the measures outlined in chapters III and IV of the study annexed to his report (A/45/435) or other relevant measures, in order to move towards the establishment of a nuclear-weapon-free zone in the region of the Middle East. In paragraph 11 of the same resolution, the Assembly requested the Secretary-General to submit to it at its fiftieth session a report on the implementation of the resolution.

2. The present report is submitted in response to the request contained in paragraph 11 of the resolution.

II. ACTION TAKEN

3. On 17 March 1995, the Secretary-General addressed a note verbale to the States of the region and other concerned States requesting them to submit their views pursuant to paragraph 10 of the above resolution. One reply was received from a Government on the matter and is reproduced in the annex to the present report.

4. In accordance with the request contained in paragraph 10 of the resolution, the Secretary-General has, as in previous years, continued in various ways to carry out consultations with concerned parties within and outside the region to explore ways and means of promoting the establishment of a nuclear-weapon-free zone in the Middle East, taking into account in particular the evolving situation in the region.

5. In this connection, the Secretary-General is pleased to note that the matter has continued to receive attention in the framework of the multilateral Middle East peace process, particularly in the context of the Working Group on Arms Control and Regional Security where specific suggestions on how further to address the issue were put forward by several participants.

6. The Secretary-General also notes with satisfaction the resolution on the Middle East adopted without a vote on 11 May 1995 at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. 1/ By that resolution, the Conference "endorses the aims and objectives of the Middle East peace process and recognizes that efforts in this regard, as well as other efforts, contribute to, inter alia, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction" and "calls upon all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards, inter alia, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective". The

Conference also "calls upon all States party to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems".

7. In the view of the Secretary-General, the above action reinforces the acceptance of such a zone by the States directly concerned in the region as they had previously indicated, as well as the broad measure of support from those outside the region, including the nuclear-weapon States. Consequently, the Secretary-General calls upon the States concerned to increase their efforts with a view to achieving a greater convergence of positions on the timing and modalities of the zone, the two issues on which considerable differences remain between them. Such discussions by themselves would constitute a significant confidence-building measure and would represent an expression of good-will by all the States concerned.

8. The Secretary-General strongly believes that the discussions and further consultations on the matter among the countries of the region as well as those from outside could be conducive to creating conditions for concrete action. The Secretary-General therefore urges all concerned parties to tackle the issue with renewed determination with a view to achieving tangible results as expeditiously as possible.

Notes

1/ NPT/CONF.1995/32 (Part I), annex.

Annex

REPLIES RECEIVED FROM GOVERNMENTS

JORDAN

[Original: English]

[31 May 1995]

1. The Government of Jordan believes that the establishment of nuclear-weapon-free zones is an important disarmament and non-proliferation measure which strengthens the international non-proliferation regime and enhances international peace and security.

2. The Government reaffirms its commitment to the establishment of a nuclear-weapon-free zone in the region of the Middle East in consistence with the Final Document of the Tenth Special Session of the General Assembly (resolution S-10/2), as well as relevant Assembly resolutions, the latest of which is resolution 49/71, which was adopted by consensus on 15 December 1994.

3. In view of the ongoing peace process in the Middle East and the positive developments emanating from it, the Government of Jordan believes that the current circumstances are conducive to the early establishment of a nuclear-weapon-free zone on the basis of arrangements freely arrived at among the States of the region through direct negotiations among them within the appropriate forums, including the Working Group on Arms Control and Regional Security of the Middle East peace process.

4. All States of the region are urged to take whatever practical and urgent steps are required for the establishment of such a zone. Pending the achievement of that goal, all States of the region that have not yet done so, in particular, Israel, which has a significant nuclear programme, are required to refrain from developing, producing, testing or otherwise acquiring nuclear weapons and from permitting the stationing on their territories under their control of nuclear weapons and to adhere without delay to the Treaty on the Non-Proliferation of Nuclear Weapons; and to place all their nuclear facilities under comprehensive safeguards of the International Atomic Energy Agency (IAEA).

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CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

Report of the Secretary-General

1. In its resolution 49/79 of 15 December 1994, the General Assembly, inter alia, recalled with satisfaction the adoption, on 10 October 1980, of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, 1/ together with the Protocol on Non-Detectable Fragments (Protocol I), 1/ the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) 1/ and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III); 1/ registered its satisfaction with the reports of the Secretary-General (A/49/421, A/49/275 and Add.1 and A/49/357 and Add.1); urgently called upon all States that had not yet done so to take all measures to become parties, as soon as possible, to the Convention and upon successor States to take appropriate measures so that ultimately access to that instrument would be universal; and called upon the Secretary-General, in his capacity as depositary of the Convention and its three Protocols, to continue to inform it periodically of accessions to the Convention and the Protocols.

2. Pursuant to the request of the General Assembly, the Secretary-General submits herewith information on the actions with respect to the Convention and its three Protocols for the period under review, that is, from 1 September 1994 to 30 June 1995, which is contained in the annex to the present report.

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* A/50/150.

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3. As at 30 June 1995, the following 50 States were parties to the Convention: Australia, Austria, Belarus, Benin, Bosnia and Herzegovina, Belgium, Bulgaria, Canada, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greece, Guatemala, Hungary, India, Ireland, Israel, Italy, Japan, Lao People's Democratic Republic, Latvia, Liechtenstein, Malta, Mexico, Mongolia, Netherlands, New Zealand, Niger, Norway, Pakistan, Poland, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Yugoslavia.

Notes

1/ See The United Nations Disarmament Yearbook, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

ANNEX

Actions in respect of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its three Protocols during the period from 1 September 1994 to 30 June 1995

States	Ratification, acceptance (A) approval (AA) or accession (a) succession (d)	Acceptance pursuant to article 4, paragraphs 3 and 4 Protocols		
		I	II	III
Belgium	7 February 1995	X	X	X
Ireland	13 March 1995	X	X	X
Israel a/	22 March 1995 (a)	X	X	
Italy	20 January 1995	X	X	X
Malta	26 June 1995 (a)	X	X	X
United Kingdom of Great Britain and Northern Ireland b/	13 February 1995	X	X	X
United States of America c/	24 March 1995	X	X	
Uruguay	6 October 1994 (a)	X	X	X

a/ Accepting Protocols I and II and with the following declarations and understandings:

"1. Declarations:

(a) With reference to the scope of application defined in article 1 of the Convention, the Government of the State of Israel will apply the provisions of the Convention and those annexed Protocols to which Israel has agreed to become bound to all armed conflicts involving regular armed forces of States referred to in article 2 common to the General Conventions of 12 August 1949, as well as to all armed conflicts referred to in article 3 common to the Geneva Conventions of 12 August 1949.

(b) Article 7, paragraph 4, of the Convention will have no effect.

(c) The application of this Convention will have no effect on the legal status of the parties to a conflict.

"2. Understandings:

(a) It is the understanding of the Government of the State of Israel that the compliance of commanders and others responsible for planning, deciding upon, or executing attacks to which the Convention and its Protocols apply, cannot be judged on the basis of information which subsequently comes to light, but must be assessed on the basis of the information available to them at the time that such actions were taken.

(b) With respect to Protocol I, it is the understanding of the Government of Israel that the use of plastics or similar materials for detonators or other weapon parts not designed to cause injury is not prohibited.

(c) With respect to Protocol I, it is the understanding of the Government of Israel that:

(i) Any obligation to record the location of remotely delivered mines pursuant to subparagraph 1 (a) of article 5 refers to the location of minefields and not to the location of individual remotely delivered mines;

(ii) The term pre-planned, as used in subparagraph 1 (a) of article 7, means that the position of the minefield in question should have been determined in advance so that an accurate record of the location of the minefield, when laid, can be made."

b/ With the following declaration:

(a) Generally

(i) The term "armed conflict" of itself and in its context denotes a situation of a kind which is not constituted by the commission of ordinary crimes including acts of terrorism, whether concerted or in isolation.

(ii) The United Kingdom will not, in relation to any situation in which it is involved, consider itself bound in consequence of any declaration purporting to be made for the purposes of article 7 (4), unless the United Kingdom shall have expressly recognized that it has been made by a body which is genuinely an authority representing a people engaged in an armed conflict of the type to which that paragraph applies.

(iii) The terms "civilian" and "civilian population" have the same meaning as in article 50 of the first Additional Protocol of 1977 to the 1949 Geneva Conventions. Civilians shall enjoy the protection afforded by this Convention unless and for such time as they take a direct part in hostilities.

(iv) Military commanders and others responsible for planning, deciding on, or executing attacks necessarily have to reach decisions on the basis of their assessment of the information from all sources which is reasonably available to them at the relevant time.

(b) Re: Protocol II, article 2; and Protocol III, article 1

A specific area of land may be a military objective if, because of its location or other reasons specified in this article, its total or partial destruction, capture or neutralization in the circumstances ruling at the time offers a definite military advantage.

(c) Re: Protocol II, article 3

In the view of the United Kingdom, the military advantage anticipated from an attack is intended to refer to the advantage anticipated from the attack considered as a whole and not only from isolated or particular parts of the attack.

(d) Re: Protocol III, article 2

The United Kingdom accepts the provisions of article 2 (2) and (3) on the understanding that the terms of those paragraphs of that article do not imply that the air-delivery of incendiary weapons, or of any other weapons, projectiles or munitions, is less accurate or less capable of being carried out discriminately than all or any other means of delivery.

c/ With the following reservations, declaration and understandings:

(1) Reservation:

Article 7 (4) (b) of the Convention shall not apply with respect to the United States.

(2) Declaration:

The United States declares, with reference to the scope of application defined in article 1 of the Convention, that the United States will apply the provisions of the Convention, Protocol I and Protocol II to all armed conflicts referred to in articles 2 and 3 common to the Geneva Conventions for the Protection of War Victims of 12 August 1949.

(3) Understanding:

The United States understands that article 6 (1) of Protocol II does not prohibit the adaptation for use as booby traps of portable objects created for a purpose other than as a booby trap if the adaptation does not violate paragraph (1) (b) of the article.

(4) Understanding:

The United States considers that the fourth paragraph of the preamble to the Convention, which refers to the substance of provisions of article 35 (3) and article 55 (1) of Additional Protocol I to the Geneva Conventions for the Protection of War Victims of 12 August 1949, applies only to States which have accepted those provisions.